

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 14, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DEAN CLOUD (01), and
DONOVAN QUINN CARTER
CLOUD (02),

Defendants.

No. 1:19-cr-02032-SMJ-01
1:19-cr-02032-SMJ-02

**ORDER DENYING DEFENDANT
DONOVAN CLOUD'S (02)
MOTION TO CONTINUE
EVIDENTIARY PRETRIAL
HEARINGS**

*****UNITED STATES MARSHALS
SERVICE ACTION REQUIRED*****

Because of the COVID-19 pandemic, the Court has struck many in-person appearances to protect the health and safety of defendants, counsel, law enforcement, Court staff, and the public. Though the Eastern District has continued to extend its COVID-19 response measures, *see, e.g.*, General Order No. 20-101-9, the Court confirmed it plans to conduct the upcoming in-person hearings scheduled for oral argument at the Yakima courthouse on September 29th and 30th. *See* ECF No. 187. The Court directed the parties to notify it about logistics, including timing, sequencing, and anything else the parties wished to bring to the Court's attention. *Id.* Counsel for James Cloud (01) conferred with the United States and filed a joint

ORDER DENYING DEFENDANT DONOVAN CLOUD'S (02) MOTION TO
CONTINUE EVIDENTIARY PRETRIAL HEARINGS – 1

1 status report. ECF No. 193. The report suggests Defendant James Cloud (01) and
2 the United States are ready to proceed. *See id.* Defendant Donovan Cloud (02) filed
3 separate materials reflecting his position. ECF Nos. 189, 190 & 191. He moved to
4 join James Cloud’s (01) motion *in limine*, ECF No. 185, to continue the evidentiary
5 pretrial hearings scheduled for September 29 and 30, 2020, and to expedite the
6 hearing on the motion to continue. *Id.*

7 The motion to continue asks the Court “to continue the evidentiary pre-trial
8 hearing scheduled for September 29-30, 2020, until the ongoing public health crisis
9 comes to an end.” ECF No. 190 at 2, 9. Yet it also insists that the Court conduct in-
10 person hearings on these motions. *Id.* at 5–9. The Court finds this indefinite request
11 to continue untenable. With no end in sight, COVID-19 will remain a risk when
12 conducting in-person hearings in the future. And the Court needs to balance those
13 health concerns with the timely and efficient administration of justice.

14 The Court has received all the briefing for the upcoming evidentiary motions
15 and is prepared to hear oral argument. The Court will conduct these hearings in
16 person as scheduled, subject to the precautions provided in its September 3, 2020
17 order. ECF No. 187.

18 //

19 //


20 //

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Donovan Cloud's (02) Motion to Continue Evidentiary Pretrial Hearings Scheduled For September 29-30, 2020, **ECF No. 190**, is **DENIED**.
2. Defendant Donovan Cloud's (02) Motion to Expedite Time of Hearing, **ECF No. 191**, is **GRANTED**.
3. Defendant Donovan Cloud's (02) Motion for Joinder Co-Defendant James Cloud's Motion in Limine RE: Lindell LaFollette's False Memory [ECF No. 185], **ECF No. 189**, is **GRANTED**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

DATED this 14th day of September 2020.



SALVADOR MENDOZA, JR.
United States District Judge